



**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

In re Application of: Gerald R. Black

Application No.: 10/032,591

Filed: October 28, 2001

For: Data Security System


The owner, PEN-ONE Inc., of one-hundred percent (100%) interest in the instant application, as now claimed, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,307,956, entitled "Writing Implement for Identity Verification System," dated October 23, 2001; as the term of U.S. Patent No. 6,307,956 is defined in 35 U.S.C. §154 and §173, and as the term of U.S. Patent No. 6,307,956 is presently shortened by any terminal disclaimer.

PEN-ONE Inc. hereby (a) waives the right to separately enforce and the right to separately license any patent so granted on the instant application and U.S. Patent No. 6,307,956; (b) agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,307,956 are commonly owned; and (c) agrees that this agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, PEN-ONE Inc. does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of U.S. Patent No. 6,307,956, "as the term of U.S. Patent No. 6,307,956 is presently shortened by any terminal disclaimer," in the event that U.S. Patent No. 6,307,956 later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


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